

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

PETER TSAI, M.D.

Case No. MD-13-1134A

ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME

Peter Tsai, M.D. ("Respondent"), elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

2. Respondent is the holder of license number 45470 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-13-1134A after receiving notification that Respondent's Ohio medical license had been permanently revoked on July 10, 2013, in lieu of formal-disciplinary proceedings. The action arose from Respondent's indictment in the U.S. District Court based on allegations of Healthcare Fraud, Smuggling, Money Laundering and Conspiracy.

4. On June 19, 2013, Respondent was indicted by the U.S. District Court for Southern District of Ohio Western Division for allegations of healthcare fraud, smuggling, money laundering and conspiracy. Respondent subsequently entered into an agreement with the Ohio Medical Board on July 10, 2013, in which he agreed to permanently surrender his Ohio medical license due to the indictment.

5. Respondent entered into an Interim Consent Agreement for Practice Restriction on March 17, 2014. The Interim Consent Agreement was approved by the Arizona Medical Board at its April 18, 2014 regular session meeting. Respondent is currently prohibited from practicing any form of medicine in the State of Arizona until applying to the Board and receiving permission to return to the practice of medicine in Arizona. The Interim Consent Agreement further requires Respondent to submit quarterly status reports to the Board regarding the pending Ohio criminal action.

6. On August 7, 2014, through a Plea Agreement with the United States Attorney for the Southern District of Ohio, Respondent pled guilty to Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. § 1349 and illegal importing of merchandise in violation of 18 U.S.C. § 545.

7. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(o) ("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

1 2. The Board possesses statutory authority to enter into a consent agreement
2 with a physician and accept the surrender of an active license from a physician who
3 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

4 ORDER

5 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
6 Number 45470, issued to Peter Tsai, M.D. for the practice of allopathic medicine in the
7 State of Arizona, and return his certificate of licensure to the Board.

8 This Order vacates Respondent's April 18, 2014 Interim Consent Agreement for
9 Practice Restriction.

10 DATED and effective this 3rd day of December, 2014.

11 ARIZONA MEDICAL BOARD

12 By: Patricia E. McSorley
13 Patricia E. McSorley
14 Interim Acting Executive Director

15 CONSENT TO ENTRY OF ORDER

16 1. Respondent has read and understands this Consent Agreement and the
17 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
18 acknowledges he has the right to consult with legal counsel regarding this matter.

19 2. Respondent acknowledges and agrees that this Order is entered into freely
20 and voluntarily and that no promise was made or coercion used to induce such entry.

21 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
22 to a hearing or judicial review in state or federal court on the matters alleged, or to
23 challenge this Order in its entirety as issued by the Board, and waives any other cause of
24 action related thereto or arising from said Order.
25

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.


3 5. All admissions made by Respondent are solely for final disposition of this
4 matter and any subsequent related administrative proceedings or civil litigation involving
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended
6 or made for any other use, such as in the context of another state or federal government
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
8 any other state or federal court.

9 6. Upon signing this agreement, and returning this document (or a copy
10 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
11 entry of the Order. Respondent may not make any modifications to the document. Any
12 modifications to this original document are ineffective and void unless mutually approved
13 by the parties.

14 7. This Order is a public record that will be publicly disseminated as a formal
15 disciplinary action of the Board and will be reported to the National Practitioner's Data
16 Bank and on the Board's web site as a disciplinary action.

17 8. If any part of the Order is later declared void or otherwise unenforceable, the
18 remainder of the Order in its entirety shall remain in force and effect.

19 9. If the Board does not adopt this Order, Respondent will not assert as a
20 defense that the Board's consideration of the Order constitutes bias, prejudice,
21 prejudgment or other similar defense.

22
23 
24 PETER TSAI, M.D.

Dated: 11/3/14

1 EXECUTED COPY of the foregoing mailed by
2 US Mail this 3rd day of ~~December~~ 2014 to:

3 Peter Tsai, M.D.
4 Address of Record

5 ORIGINAL of the foregoing filed this
6 3rd day of ~~December~~ 2014 with:

7 The Arizona Medical Board
8 9545 East Doubletree Ranch Road
9 Scottsdale, AZ 85258

10 Mary Boker
11 Board Staff
12
13
14
15
16
17
18
19
20
21
22
23
24
25